

104TH CONGRESS
1ST SESSION

H. R. 2755

To establish a Corporate and Farm Independence Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 1995

Mr. FOGLIETTA (for himself, Mr. SCHUMER, Mr. McDERMOTT, Mr. OWENS, and Mr. DELLUMS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Transportation and Infrastructure, Resources, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a Corporate and Farm Independence Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This title may be cited as the “Corporate and Farm
5 Independence Act”.

1 **SEC. 2. CORPORATE AND FARM INDEPENDENCE COMMIS-**
2 **SION.**

3 (a) ESTABLISHMENT.—There is established an inde-
4 pendent commission to be known as the “Corporate and
5 Farm Independence Commission” to study reductions in
6 corporate and farm subsidies to reduce the Federal budget
7 deficit.

8 (b) DUTIES.—The Commission shall carry out the
9 duties specified for it in this Act.

10 (c) APPOINTMENT.—(1) The Commission shall be
11 composed of eight members appointed by the President.

12 (2) The President shall appoint the members of the
13 Commission not later than 6 months after the date of the
14 enactment of this Act.

15 (3) In selecting individuals for appointments to the
16 Commission, the President shall consult with—

17 (A) the Speaker of the House of Representa-
18 tives concerning the appointment of two members;

19 (B) the majority leader of the Senate concern-
20 ing the appointment of two members;

21 (C) the minority leader of the House of Rep-
22 resentatives concerning the appointment of one
23 member; and

24 (D) the minority leader of the Senate concern-
25 ing the appointment of one member.

1 (4) At the time the President appoints members to
2 the Commission, the President shall designate one such
3 individual who shall serve as Chairman of the Commission.

4 (d) TERMS.—Each member of the Commission shall
5 be appointed to serve for the life of the Commission.

6 (e) MEETINGS.—Each meeting of the Commission,
7 other than meetings in which classified information is to
8 be discussed, shall be open to the public.

9 (f) VACANCIES.—A vacancy in the Commission shall
10 be filled in the same manner as the original appointment.

11 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
12 member of the Commission, other than the Chairman,
13 shall be paid at a rate equal to the daily equivalent of
14 the minimum annual rate of basic pay payable for level
15 IV of the Executive Schedule under section 5315 of title
16 5, United States Code, for each day (including travel time)
17 during which the member is engaged in the actual per-
18 formance of duties vested in the Commission.

19 (B) The Chairman shall be paid for each day referred
20 to in subparagraph (A) at a rate equal to the daily equiva-
21 lent of the minimum annual rate of basic pay payable for
22 level III of the Executive Schedule under section 5314 of
23 title 5, United States Code.

24 (2) Members of the Commission shall receive travel
25 expenses, including per diem in lieu of subsistence, in ac-

1 cordance with sections 5702 and 5703 of title 5, United
2 States Code.

3 (3) PROHIBITION OF COMPENSATION OF FEDERAL
4 EMPLOYEES.—Members of the Commission who are full-
5 time officers or employees of the United States, or Mem-
6 bers of Congress, may not receive additional pay, allow-
7 ances, or benefits by reason of their service on the Com-
8 mission.

9 (h) DIRECTOR OF STAFF.—(1) The Commission shall
10 appoint a Director.

11 (2) The Director shall be paid at the rate of basic
12 pay payable for level IV of the Executive Schedule under
13 section 5315 of title 5, United States Code.

14 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
15 the Director, with the approval of the Commission, may
16 appoint and fix the pay of additional personnel.

17 (2) The Director may make such appointments with-
18 out regard to the provisions of title 5, United States Code,
19 governing appointments in the competitive service, and
20 any personnel so appointed may be paid without regard
21 to the provisions of chapter 51 and subchapter III of chap-
22 ter 53 of that title (relating to classification and General
23 Schedule pay rates), except that an individual so ap-
24 pointed may not receive pay in excess of the annual rate

1 of basic pay payable for level IV of the Executive Schedule
2 under section 5315 of title 5, United States Code.

3 (3) Upon request of the Director, the head of any
4 Federal department or agency may detail any of the per-
5 sonnel of that department or agency to the Commission
6 to assist the Commission in carrying out its duties under
7 this Act.

8 (4) The Comptroller General of the United States
9 shall provide assistance, including the detailing of employ-
10 ees, to the Commission in accordance with an agreement
11 entered into between the Comptroller General and the
12 Commission.

13 (j) OTHER AUTHORITY.—(1) The Commission may
14 procure by contract, to the extent funds are available, the
15 temporary or intermittent services of experts or consult-
16 ants pursuant to section 3109 of title 5, United States
17 Code.

18 (2) The Commission may lease space and acquire per-
19 sonal property to the extent funds are available. To the
20 extent practicable, the Commission shall use suitable real
21 property available under the most recent inventory of real
22 property assets published by the Resolution Trust Cor-
23 poration under section 21A(b)(11)(F) of the Federal
24 Home Loan Bank Act (12 U.S.C. 1441a(b)(11)(F)).

1 (k) FUNDING.—There are authorized to be appro-
2 priated to the Commission such funds as are necessary
3 to carry out its duties under this Act. Such funds shall
4 remain available until expended.

5 (l) TERMINATION.—The Commission shall terminate
6 not later than September 30, 2003.

7 **SEC. 3. PROCEDURE FOR MAKING RECOMMENDATIONS**
8 **FOR CORPORATE AND FARM SUBSIDY RE-**
9 **DUCTIONS.**

10 (a) SELECTION CRITERIA.—(1) Not later than 8
11 months after the date of the enactment of this Act, the
12 Chairman shall publish in the Federal Register and trans-
13 mit to the Congress a preliminary draft of the criteria
14 which the Chairman proposes should be used in making
15 recommendations for reductions in corporate or farm sub-
16 sidies under this Act. Before the publication required by
17 this paragraph, the Chairman shall provide an opportunity
18 for public comment on the proposed criteria for a period
19 of at least 30 days and shall hold a public hearing on the
20 proposed criteria. The Chairman shall provide the public
21 with appropriate notice of such opportunity to comment
22 and of such hearing.

23 (2) In developing the criteria, the Chairman shall
24 consider—

1 (A) the income categories of individuals affected
2 by any reduction in corporate or farm subsidies,

3 (B) the number of individuals affected by any
4 such reduction,

5 (C) the impact of any such reduction on various
6 geographic regions,

7 (D) the number, type, and size of businesses af-
8 fected by any such reduction, and

9 (E) the impact of any such reduction on job
10 loss.

11 (3) Not later than 10 months after the date of the
12 enactment of this Act, the Chairman shall publish in the
13 Federal Register and transmit to the Congress the final
14 criteria to be used in making recommendations for reduc-
15 tions in corporate and farm subsidies under this Act.

16 (4) The Chairman shall make available to the Com-
17 mission and to the Comptroller General of the United
18 States all information used by the Chairman in formulat-
19 ing the criteria.

20 (b) REVIEW AND RECOMMENDATIONS BY THE COM-
21 MISSION.—

22 (1) Once during the term of every Congress, for
23 the life of the Commission, the Commission shall
24 identify and review corporate and farm subsidies and
25 shall publish in the Federal Register and transmit to

1 the President and the Congress a report containing
 2 a list of corporate and farm subsidy reductions that
 3 the Commission recommends on the basis of—

4 (A) the final criteria referred to in sub-
 5 section (a), and

6 (B) a weighing of the cost of each subsidy
 7 recommended to be reduced or eliminated
 8 against the value of the subsidy in creating
 9 jobs.

10 (2) The Commission shall submit the first re-
 11 port required by paragraph (1) not later than 7
 12 months after the date of the publication required by
 13 subsection (a)(3).

14 (3) In each report required by paragraph (1),
 15 the Commission shall recommend corporate and
 16 farm subsidy reductions sufficient to raise the ap-
 17 appropriate amount of revenue in each of the first 2
 18 fiscal years beginning in calendar years beginning
 19 after the date of the transmission of such report
 20 under paragraph (1), as determined under the fol-
 21 lowing table:

If the calendar year is:	The appropriate amount is:
The 1st beginning after the 1st report	\$3,000,000
The 2d beginning after the 1st report	\$3,000,000
The 1st beginning after the 2d report	\$5,000,000
The 2d beginning after the 2d report	\$5,000,000
The 1st beginning after the 3d report	\$7,000,000
The 2d beginning after the 3d report	\$12,000,000
The 1st beginning after the 4th report	\$15,000,000.

1 (4) Before the transmission of any report under
2 paragraph (1), the Commission shall conduct public
3 hearings on the recommendations contained in such
4 report.

5 (5) The Commission shall include, with each list
6 of recommendations published and transmitted
7 under paragraph (1)—

8 (A) a summary of the selection process
9 that resulted in the recommendations,

10 (B) with respect to each subsidy which the
11 Commission recommends to be reduced or
12 eliminated, an analysis of the costs (including
13 costs resulting from job loss) and savings that
14 would result from such elimination or reduction,
15 and

16 (C) legislative language which if enacted
17 would have the effect of carrying out all of the
18 corporate and farm subsidy reductions which
19 are recommended by the Commission on such
20 list.

21 (6) The Commission may include, with such
22 list, recommendations for alternative methods for
23 funding some or all of the corporate and farm sub-
24 sidies contained on such list. The recommended al-

1 ternative methods for funding may include, but need
2 not be limited to, the imposition of user fees.

3 (7) After transmitting a report under para-
4 graph (1), the Commission shall make available to
5 the Congress and the Comptroller General of the
6 United States all information used by the Commis-
7 sion in making the recommendations contained in
8 such report.

9 (c) ASSISTANCE FROM COMPTROLLER GENERAL.—

10 The Comptroller General of the United States shall—

11 (1) assist the Commission, to the extent re-
12 quested by the Commission, in the Commission's re-
13 view and analysis of the criteria transmitted by the
14 Chairman under subsection (a); and

15 (2) not later than 45 days after each trans-
16 mission required by subsection (b)(1), transmit to
17 the Congress, to the President, and to the Commis-
18 sion a report containing a detailed analysis of the
19 Commission's recommendations and selection proc-
20 ess.

21 (d) REVIEW BY THE PRESIDENT.—(1) Not later than
22 90 days after each transmission under subsection (c)(2),
23 the President shall transmit to the Commission and to the
24 Congress either a notice of the President's approval of all
25 of the recommendations contained in the Commission's re-

1 port or a notice of the President's disapproval or partial
2 approval of such recommendations.

3 (2) If the President approves all of the recommenda-
4 tions of the Commission, the President shall transmit to
5 the Congress a copy of such recommendations, a certifi-
6 cation of such approval, and a copy of the legislative lan-
7 guage submitted by the Commission under subsection
8 (b)(5).

9 (3) If the President disapproves the recommendations
10 of the Commission, in whole or in part, the President shall
11 transmit to the Commission and the Congress the reasons
12 for such disapproval. The Commission shall then transmit
13 to the President, not later than 30 days after the trans-
14 mission of such reasons, a revised list of recommendations
15 for corporate and farm subsidy reductions and revised leg-
16 islative language which if enacted would have the effect
17 of carrying out all corporate and farm subsidy reductions
18 which are recommended by the Commission on such re-
19 vised list.

20 (4) Not later than 30 days after the Commission
21 transmits a revised list of recommendations and revised
22 language under paragraph (3), the President shall trans-
23 mit to the Congress—

24 (A) a copy of such revised list of recommenda-
25 tions and such revised language,

1 (B) a report containing the President's ap-
2 proval, partial approval, or disapproval of the rec-
3 ommendations on the revised list, and

4 (C) if the President approves all of the rec-
5 ommendations on the revised list, a certification of
6 such approval.

7 **SEC. 4. INTRODUCTION OF DRAFT LEGISLATION FOR COR-**
8 **PORATE AND FARM SUBSIDY REDUCTION.**

9 The legislative language transmitted to the Congress
10 under section 3(d) shall be introduced as a bill by the ma-
11 jority leader of the House of Representatives and the ma-
12 jority leader of the Senate.

13 **SEC. 5. JOINT COMMITTEE ON CORPORATE AND FARM SUB-**
14 **SIDY REDUCTION.**

15 (a) ESTABLISHMENT.—There is established a Joint
16 Committee on Corporate and Farm Subsidy Reduction.

17 (b) MEMBERSHIP.—

18 (1) The Joint Committee shall consist of 22
19 members as follows:

20 (A) 11 members of the House of Rep-
21 resentatives, to be appointed by the majority
22 leader of the House of Representatives, 6 from
23 the majority and 5 from the minority party,
24 and

1 (B) 11 members of the Senate, to be ap-
2 pointed by the majority leader of the Senate, 6
3 from the majority and 5 from the minority
4 party.

5 (2) In making appointments under paragraph
6 (1), the majority leader of the House of Representa-
7 tives and the majority leader of the Senate shall give
8 due consideration to providing appropriate represen-
9 tation on the Joint Committee to committees of the
10 House and Senate, respectively, which have jurisdic-
11 tion over matters relating to corporate and farm
12 subsidies.

13 (3) The appointments referred to in paragraph
14 (1) shall be made not later than 30 days after the
15 first transmission of recommendations under section
16 3(b)(1).

17 (b) VACANCIES.—Vacancies in the membership of the
18 Joint Committee shall not affect the power of the remain-
19 ing members to execute the functions of the Joint Com-
20 mittee and shall be filled in the same manner as in the
21 case of the original appointment.

22 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The
23 Joint Committee shall elect a chairperson and vice chair-
24 person from among its members at the beginning of each
25 Congress in which the Joint Committee exists. The vice

1 chairperson shall be chosen from among the members of
2 that House of Congress other than the House of Congress
3 of which the chairperson is a member. The vice chair-
4 person shall act in the place and stead of the chairperson
5 in the absence of the chairperson.

6 (d) STAFF.—The Joint Committee is authorized to
7 appoint and fix the compensation of such professional and
8 clerical staff and such experts as it deems appropriate.

9 (e) LEGISLATIVE JURISDICTION AND POWERS.—

10 (1) Bills introduced under section 4 and other
11 bills and resolutions which if enacted would accom-
12 plish the government-wide reduction or elimination
13 of corporate and farm subsidies shall be referred to
14 the Joint Committee. The members of the Joint
15 Committee who are Members of the Senate shall
16 from time to time report to the Senate, and the
17 members of the Joint Committee who are Members
18 of the House of Representatives shall from time to
19 time report to the House of Representatives, by bill
20 or otherwise, their recommendations with respect to
21 matters within the jurisdiction of their respective
22 Houses which are referred to the Joint Committee.

23 (2) The Joint Committee, or any duly author-
24 ized subcommittee thereof, is authorized to sit and
25 act at such places and times and to hold such hear-

1 ings as it deems appropriate. The Joint Committee,
2 or any duly authorized subcommittee thereof, is au-
3 thorized to require by subpoena (to be issued under
4 the signature of the chairperson or vice chairperson)
5 or otherwise the attendance of such witnesses and
6 the production of such books, papers, and docu-
7 ments, to administer such oaths and affirmations, to
8 take such testimony, to procure such printing and
9 binding, and to make such expenditures as it deems
10 advisable.

11 (f) EXPENSES.—Notwithstanding any law, rule, or
12 other authority, there shall be paid out of the applicable
13 accounts of the House of Representatives such sums as
14 may be necessary for $\frac{1}{2}$ of the expenses of the Joint Com-
15 mittee. Such payments shall be made on vouchers signed
16 by the House of Representatives chairperson or vice chair-
17 person of the Joint Committee and approved in the man-
18 ner directed by the Committee on House Oversight of the
19 House of Representatives. Amounts made available under
20 this paragraph shall be expended in accordance with regu-
21 lations prescribed by the Committee on House Oversight
22 of the House of Representatives.

1 **SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION**
2 **REPORT.**

3 (a) DISCHARGE OF CORPORATE AND FARM SUBSIDY
4 REDUCTION LEGISLATION.—If the Joint Committee has
5 not reported a bill introduced under section 4 by the end
6 of the 20-day period beginning on the date of such intro-
7 duction, the Joint Committee shall be, at the end of such
8 period, discharged from further consideration of such bill,
9 and such bill shall be placed on the appropriate calendar
10 of the House involved.

11 (b) CONSIDERATION.—(1) On or after the third day
12 after the date on which the Joint Committee has reported,
13 or has been discharged (under subsection (a)) from fur-
14 ther consideration of, a bill introduced under section 4,
15 it is in order (even though a previous motion to the same
16 effect has been disagreed to) for any Member of the re-
17 spective House to move to proceed to the consideration
18 of such bill (but only on the day after the calendar day
19 on which such Member announces to the House concerned
20 the Member's intention to do so). All points of order
21 against the bill (and against consideration of the bill) are
22 waived. The motion is highly privileged in the House of
23 Representatives and is privileged in the Senate and is not
24 debatable. The motion is not subject to amendment, or
25 to a motion to postpone, or to a motion to proceed to the
26 consideration of other business. A motion to reconsider the

1 vote by which the motion is agreed to or disagreed to shall
2 not be in order. If a motion to proceed to the consideration
3 of the bill is agreed to, the respective House shall imme-
4 diately proceed to consideration of the bill without inter-
5 vening motion, order, or other business, and the bill shall
6 remain the unfinished business of the respective House
7 until disposed of.

8 (2) Debate on the subsidy reduction bill, and on all
9 debatable motions and appeals in connection therewith,
10 shall be limited to not more than 2 hours, which shall be
11 divided equally between those favoring and those opposing
12 the bill. An amendment to the bill is not in order. A mo-
13 tion further to limit debate is in order and not debatable.
14 A motion to postpone, or a motion to proceed to the con-
15 sideration of other business, or a motion to recommit the
16 bill is not in order. A motion to reconsider the vote by
17 which the bill is agreed to or disagreed to is not in order.

18 (3) Immediately following the conclusion of the de-
19 bate on the subsidy reduction bill and a single quorum
20 call at the conclusion of the debate (if requested in accord-
21 ance with the rules of the appropriate House), the vote
22 on final passage of the bill shall occur.

23 (4) Appeals from the decisions of the Chair relating
24 to the application of the rules of the Senate or the House
25 of Representatives, as the case may be, to the procedure

1 relating to the subsidy reduction bill shall be decided with-
2 out debate.

3 **SEC. 7. AUTHORITY OF COMMISSION TO IMPLEMENT REC-**
4 **COMMENDATIONS UNLESS CONGRESS ACTS.**

5 Notwithstanding any other provision of law, upon the
6 expiration of the 45-day period beginning on the later of
7 the date of the introduction of a bill under section 4 in
8 the House and the date of such introduction in the Senate,
9 the Commission shall have the authority to reduce or
10 eliminate any corporate or farm subsidy identified under
11 section 3(b) to the extent specified in the recommenda-
12 tions transmitted under section 3(d), unless—

13 (1) a Joint Resolution disapproving of all of
14 such recommendations becomes law before the expi-
15 ration of such period, or

16 (2) a bill introduced under section 4, a bill
17 which the Joint Committee reports under section
18 6(a), or a bill with respect to which the Joint Com-
19 mittee has been discharged under such section from
20 further consideration, becomes law before the expira-
21 tion of such period.

22 **SEC. 8. RULES OF THE SENATE AND HOUSE.—**

23 Sections 5 and 6 are enacted by the Congress—

24 (1) as an exercise of the rulemaking power of
25 the Senate and House of Representatives, respec-

1 tively, and as such sections 5 and 6 are deemed a
2 part of the rules of each House, respectively, but ap-
3 plicable only with respect to the procedure to be fol-
4 lowed in that House in the case of the subsidy re-
5 duction bill, and such sections supersede other rules
6 only to the extent that such sections are inconsistent
7 with such rules; and

8 (2) with full recognition of the constitutional
9 right of either House to change the rules (so far as
10 relating to the procedure of that House) at any time,
11 in the same manner, and to the same extent as in
12 the case of any other rule of that House.

13 **SEC. 9. DEFINITIONS.**

14 For purposes of this Act:

15 (1) The term “Chairman” means the Chairman
16 of the Corporate and Farm Independence Commis-
17 sion.

18 (2) The term “Commission” means the Cor-
19 porate and Farm Independence Commission.

20 (3) The terms “corporate subsidy” and “farm
21 subsidy”—

22 (A) include spending subsidies (including
23 those for agribusiness and inland waterway op-
24 erators), tax subsidies, free or below-market-
25 rate services (including grazing on public

1 lands), and trade protections, which are pro-
2 vided by the Federal government to or with re-
3 spect to any corporation or farm, and

4 (B) do not include any subsidy, service, or
5 protection made or provided directly or indi-
6 rectly by the Federal government to any Fed-
7 eral entity, Federal agency, government-spon-
8 sored enterprise, or Government corporation (as
9 defined in section 9101 of title 31, United
10 States Code).

11 (4) The term “government-sponsored enter-
12 prise” means the Federal National Mortgage Asso-
13 ciation, the Federal Home Loan Mortgage Corpora-
14 tion, the Federal Home Loan Bank System, the
15 Farm Credit Banks, the Banks for Cooperatives, the
16 Federal Agricultural Mortgage Corporation, the Stu-
17 dent Loan Marketing Association, the College Con-
18 struction Loan Insurance Association, and any of
19 their affiliated or member institutions.

20 (5) The term “Joint Committee” means the
21 Joint Committee on Corporate and Farm Subsidy
22 Reduction.

23 (6) The term “subsidy reduction bill” means a
24 bill introduced under section 4 which the Joint Com-
25 mittee has reported or with respect to which the

- 1 Joint Committee has been discharged under section
- 2 6(a) from further consideration.

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